

Remarks/Arguments:

Claims 1-31 were pending in the application. Claims 1-4, 14-16, 18-21, 23, 25-27 and 29-31 are rejected and claims 5-13, 17, 22, 24 and 28 are objected to but would be allowable if rewritten into independent form. With this amendment, Applicants have amended claims 1, 5, 6, 8, 14, 17, 22, 24, 25 and 28. New claim 32 has been added.

Support for the amendments to independent claims 1, 14, 25 and new claim 32 can be found, for example, in the originally filed specification, at page 9, lines 4-6. Claims 5, 6, 8, 17, 22, 24 and 28 have been amended into independent form and, as acknowledged in the Office Action, are allowable.

As a preliminary issue, Applicants respectfully request the finality of the Office Action be withdrawn for at least the following reasons: First, as Applicants pointed out in their previous Office Action response, which the Office acknowledges at page 2 of the current Action, the *Nadal* reference was applied previously by another Examiner, in which case the asserted rejections based on *Nadal* were overcome.

Second, Applicants note that in the last Office Action, dated November 16, 2006, the current Examiner merely recited features of Applicants' claim 1, without any citation or explanation as to why the current Examiner believed *Nadal* anticipated the claim. Similarly, to reject claims 14 and 25, the current Examiner merely recited features of Applicants' claims and then cited to Figures 2, 3, 5 and 6, with no further explanation, as the grounds for rejection. Thus, Applicants had no reason, and no new basis on which, to present new arguments over the *Nadal* reference that had previously been overcome.

Third, only now in a final rejection, has the current Examiner presented an explanation as to the grounds on which the current Examiner believes *Nadal* anticipates Applicants' claims. Consequently, the Applicants have had no opportunity to amend the claims in response to the current Examiner's position, which was heretofore unknown. Further, any amendment Applicants would make to the claims now must be presented after-final, essentially forcing Applicants to file a Request for Continued Examination to properly respond to the Office Action. Applicants contend this is improper and unjustified considering this is the first time these new grounds of rejection have been presented by the Office.

Therefore, Applicants respectfully request reconsideration and withdrawal of the finality of the Office Action.

Rejections

Claims 1-4, 14-16, 18-21, 23, 25-27 and 29-31 stand rejected under 35 U.S.C. § 102(b) as anticipated by EP 0757904 ("Nadal '904"). As noted previously, Nadal '904, as cited by the Office Action, is also published as U.S. Patent No. 5,800,515 ("Nadal '515"). Nadal '904 and Nadal '515 will collectively be referred to hereinafter as "Nadal". Applicants respectfully traverse these rejections and submit that the currently pending amended claims are patentable over the art of record for at least the reasons set forth below.

Features of Independent Claim 1

Applicants' invention, as recited by the independent claims, includes at least the following features which are neither disclosed nor suggested by the art of record, namely, in claim 1: *a plurality of circumferential hoops disposed in a helical succession . . . each of said hoops comprising a single continuous filament that defines a helical arrangement of elements;* and in claims 14 and 25: *at least one circumferential hoop comprising a single continuous filament that defines a helical arrangement of elements.*

Response to Anticipation Rejections

In the Response to Arguments Section of the Office Action, the Office Action, apparently addressing Applicants' arguments first presented in the Office Action response dated December 29, 2004, states that Figure 2 of Nadal '904 shows "each hoop (19a, 17a, 15a, 13a) contains a segment which extends both circumferentially and helically around the longitudinal axis (11) in substantially the same configuration as the claimed invention. . . ." (Office Action, page 2). Thus, the Office Action asserts that Nadal '904 anticipates Applicants' invention.

As amended, claims 1, 14 and 25 include the feature that each circumferential hoop of the stent comprises a single continuous filament. Thus, for illustration purposes only, stent 30 of Figure 5, shown as cut longitudinally and laid flat, is formed "by winding a continuous filament 24 into a zig-zag configuration and into a plurality of circumferential hoop members 33, 25a . . . 25N, and 37 disposed in succession along the axis of the stent 30." (Specification at page 9, lines 4-6). Wire 24 spirals about the axis of stent 30 to form a coil, thus providing a

helical arrangement of elements and a plurality of circumferential hoops disposed in helical succession. Each of the circumferential hoops comprises a single filament, and in the case of stent 30 (and as recited in newly added claim 32), a single filament defines all of the circumferential hoops.

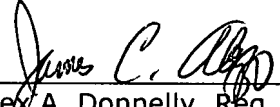
Nadal does not anticipate Applicants' invention as recited in independent claims 1, 14 and 25, as amended, because Nadal teaches the use of multiple filaments to comprise each circumferential hoop. Nadal, as set forth in Nadal '515, discloses a prosthesis formed "from several filaments which have corrugations and which are wound to define a tubular surface." (see Nadal '515 Abstract). Further, Nadal '515 discloses that its stent 1 is formed from several filaments 3, 5, 7, 9, as shown FIG. 2 (see Nadal '515 at col. 3, lines 39-41). Further, as shown in FIGS. 1-3 of Nadal and as expressly disclosed in Nadal '515, "each filament or thread forms a sort of 'longitudinal stabilizer' 23, 25, 27, 29, 31 by the association of junction portions between steps." (Nadal '515 at col. 4, lines 24-26). Thus, as Nadal '515 states, "in the embodiments illustrated, each filament making up the prosthesis forms, at each step, *only one portion* of the corrugated structure of the corresponding ring." (Nadal '515 at col. 4, lines 33-36, emphasis added). Therefore, Nadal does not teach, disclose or suggest a stent comprising a plurality of circumferential hoops disposed in helical succession in which each hoop is defined by a single, continuous filament. Rather, Nadal discloses a prosthesis in which each hoop comprises several filaments.

Therefore, Applicants contend that amended claims 1, 14 and 25 are not anticipated by Nadal. Further, claims 2-4, 15, 16, 18-21, 23, 26, 27 and 29-32 are also patentable for at least the reasons that claims 1, 14 and 25, from which they depend, are patentable, but may be separately patentable for additional reasons as well.

Conclusion

In view of the above arguments, Applicants respectfully submit that claims 1-32 are patentable and that the currently pending application is in condition for allowance. Notice to this effect is earnestly solicited.

Respectfully submitted,



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Dated: June 29, 2007

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